

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed December 29, 2004 (the "Office Action"). Applicants appreciate the Examiners thoughtful consideration of this case.

Preliminary Amendment not Considered

On Monday, February 28, Applicants spoke with Primary Examiner Ricky Ngo via telephone about the Office Action. Specifically, Applicants and the Examiner discussed the fact that the Office Action did not take into account a Preliminary Amendment submitted by Applicants on June 11, 2002 (the "Preliminary Amendment"). The Examiner indicated that the Examiner's file did not include a copy of the filed Preliminary Amendment. In the Preliminary Amendment, Applicants amended Claims 10 and 21-25 and canceled Claims 26-32. Additionally, Applicants addressed the rejection of the claims of the Application Serial No. 09/325,687, which is the parent application of this pending case (the "Parent Application").

Per the Examiner's instructions, Applicants have enclosed a copy of the previously submitted Preliminary Amendment with this Response to Office Action. Additionally, Applicants have included a copy of the date-stamped postcard indicating the submission of the Preliminary Amendment. Because it is Applicants position that the current Office Action is not complete since it fails to take into account the Preliminary Amendment submitted on June 11, 2002, Applicants have not responded to the Examiner's procedural and substantive rejections of Claims 1-25 of this Application.

It is Applicants' understanding that, upon receipt of this Response to Office Action, the Examiner will consider the Preliminary Amendment and issue a new first Office Action, to give Applicants a full and fair opportunity to respond to the Examiner's rejections of all pending claims. Naturally, Applicants respectfully request that the shortened statutory period for response to the new Office Action be restarted on the date that such a new Office Action is mailed. Applicants respectfully request reconsideration and favorable action in this case.


Conclusions

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe no fee is due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
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